

REMARKS

Claims 1-3 are pending in the present application.

Claim 1 has been amended for clarity.

The specification has been amended to remove what appear to be imaging errors made by the PTO upon scanning the application into the official record. Specifically, there are letters missing in the first and/or second lines of several pages of the specification.

In addition, the specification at page 2, line 6 has been amended by inserting the number "4" after the term "flow channels" to clarify that element "4" of Fig. 1 refers to the flow channels of the fuel cell separator.

No new matter has been added by way of the above-amendment.

Issues under 35 U.S.C. § 112, Second Paragraph

Claims 1-3 are rejected under 35 U.S.C. § 112, second paragraph, for being indefinite. Applicants respectfully traverse the rejection.

Specifically, the Examiner objects to the term "high" with respect to the phrase "high degree of graphitization" at lines 3-4 of claim 1.

In response, Applicants have deleted the phrase "a high degree of" from claim 1.

In view of this above-amendment to the claims, Applicants respectfully submit that the claims particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Accordingly, withdrawal of the rejection is respectfully requested.

Telephone Interview and Provisional Obviousness-Type Double Patenting Rejection

Applicants are grateful to Examiner Kalafut for conducting a telephone interview with Applicants' representative, Garth M. Dahlen, Ph.D., Esq. on February 27, 2006 to discuss this issue.

Currently, claims 1-3 are provisionally rejected under the grounds of non-statutory obviousness-type double patenting as being unpatentable over claims 1-3 of the parent application U.S. 10/407,232 (hereinafter the "'232 Application"). Applicants note that the '232 Application has been allowed.

As noted during the Interview, Applicants intend to have the instant case allowed and then Applicants will abandon the '232 Application. Applicants would be grateful for the Examiner to contact Dr. Dahlen at the number provided below. Once Examiner Kalafut has assured Dr. Dahlen that this is the sole remaining issue, then Dr. Dahlen will file a letter of express abandonment in the '232 Application or not pay the Issue Fee (whichever is more appropriate). Dr. Dahlen looks forward to hearing from Examiner Kalafut regarding this matter.

Informalities

In the paragraph bridging pages 3-4 of the Office Action, the Examiner objects to certain informalities in the application. In response, Applicants have amended these portions so that the final specification does not include the scanning errors.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Garth M. Dahlen, Ph.D., Esq. (Reg.

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No. 43,575) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Dated: February 28, 2006

Respectfully submitted,

By


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